Ottawa Evening Journal

Canadian Indians

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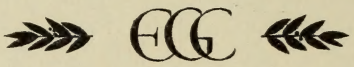

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INTRODUCTION, DEC. 12, 1911

The following letters, article, and editorials were written in the hope that good might come from the writing.

The Ottawa Evening Journal, in which the letters appeared, supported the Indians' cause not only by devoting its valuable space to publication of the letters, but by editorially issuing cogent thought. It is a paper whose motto might well be "Fair Play."

What was said is now republished. This is evidently necessary as the last enormous blue book of the Indian Department contains no single indication of the slightest intention to reform and indicates clearly the utter impenetrability of its official mind. Because newspaper correspondence is more or less ephemeral, it is desired to preserve in a more permanent form a record of what has been said.

The earnest desire is that some good may result to our Canadian Indians.

349446

LETTER No. 1.

August 18th 1910

EDUCATION

CRITICISM OF NEW SCHEME

R. V. Sinclair Opposes Archbishop's Views

Public Interest in Education not Academic

Indian School Question Discussed at Length

Editor Journal:—

Archbishop Matheson's late statement to the Synod of Rupert's Land that in his opinion the time has arrived when the churches should be relieved of the financial burdens they have voluntarily undertaken in an attempt to educate Indians, and that the Dominion Government should assume those burdens, directs attention to this subject.

His Grace's view might, or might not be agreed with, if it were proposed to completely secularise Indian schools. Doubtless, however, even in that case, much might be said on the subject of many different denominations embarking upon all sorts of unstandardized educational schemes and later asking the public to take over and to pay for an educational hotch-potch. But if it is proposed to allow the denominations to keep their schools and make the public pay for them there seems to be little chance of any public approbation, because public opinion has often condemned just such ideas in an unmistakable manner. The churches would be subsidized to exactly the amounts they were relieved from paying.

Public interest in Indian education is not academic. It goes far beyond this particular matter of denominational control. Government figures as published at present, unsummarized, are anything but plain, yet it seems that the public pays some $420,000 a year to educate Indians in Separate schools, that is to say, schools not attended by white children, and pays a further large sum for officials to look after such schools; from a $3,000 superintendent down. This staff may consist of well trained educationalists experienced in modern methods and practice, though I think such is not the case, but however that may be, it is very doubtful indeed whether any attempt to educate Indian children apart from the children it is designed to make them resemble can be wise, because it is entirely incompatible with the proper intention to convert Indians into citizens at the earliest moment possible. This intention has been used as the justification for spending many millions of public money and is in accord not only with the long cherished ideals of Imperial, Canadian and American statesmen, but with the

teachings of that common sense which is begotten of experience. It is the principal warrant for the existence of an Indian Department. (See letter No. 9.)

Local control and criticism have been the keynotes of success in common school education, and common schools have been the makers of common citizenship. It may be unfortunately true that there are localities in which distinctively "Indian" schools are needed because there are no common schools at which Indian children can be conveniently taught side by side with white children. But it cannot really be best for Indian children to herd them together when that can possibly be avoided, nor to have schools under the control of a distant, centralized authority, unskilled in educational affairs. For that is to train Indian children as units of a *separate population;* to inculcate those very ideas of separation which directly conflict with the only sound idea, that of assimilation; to make them feel a difference whilst trying to extirpate difference, and to perpetuate the very things to which it is our reasonable and worthy object to completely put an end. It is to set back indefinitely the day when common citizenship will be attained by Indians. Nor can distant directors of schools, who are necessarily unfamiliar with local conditions, ever exercise the best sort of control.

It has been said in defence of this illogical founding and continuance of distinctively "Indian" schools that some treaty agreements make it obligatory to maintain day schools, not industrial or boarding schools, but day schools. The true sense of such agreements is quite open to argument, but supposing for the moment such an obligation exists, it is to be noticed that only 114 schools out of the 308 Indian schools that exist could possibly be subject to it, and that in other far less vital matters where treaty agreements have not been considered beneficial by officials, politicians or philanthropists they have been either secretly overcome or openly swept away.

Grouping Indians together was bad enough when such grouping seemed to be the only, or easiest way out of some difficulty. To keep them grouped when the necessity for grouping has passed, so preventing the play of the forces of civilization, was, and is worse. But certainly the height of folly and bad policy is reached in the development of any system which educates the Indian child as a person distinct from ordinary persons, whilst the admitted and only justifiable aim is to make an ordinary person out of it. If that mistake could be magnified, it would seem to be by placing such a system under the control and dominating influence of the managers of various religious denominations whose views may be that separate education is best, and that to keep the Indian child apart from other children as a marked character is proper, though the country, whose interest it certainly is that this should not be done, foots all the bills.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 2

August 25th, 1910

SPECIAL LAW

INDIAN ACT AMENDMENT

Recent Legislation is Far-reaching in Effect

Was not Understood by House of Commons or Minister

Question of Handling Money of Indians

Editor Journal:—

The extraordinary piece of legislation (Amendment to the Indian Act, 1910) recently introduced by the Hon. F. Oliver, is too far-reaching and too full of damage to Indians to be dealt with fully in a short letter. It is proposed only to touch upon two features of it, and to do that briefly, but sufficiently to show how utterly the natural rights of man are disregarded in special Indian Legislation at the prompting of self-appointed official guardians. Evidence that the House did not understand the effect of this Act exists in Hansard, and that this effect was not understood by the introducer, who as trustee for Indians should safeguard their interests, is also apparent from the Hansard report.

The features I shall refer to are contained in subsection 2 added to section 87 of the Indian Act, and in a section number 105 which replaces a section bearing the same number in the old Act.

Subsection 2, reads in part:—

"No contract or agreement binding or purporting to bind, or in any way dealing with the moneys or securities referred to in this section, made either with the chiefs or councillors of any band of Indians or by the members of the said band, shall be valid or of any force and effect unless and until it has been approved in writing by the Superintendent General."

Section 105 reads in part:—

"No annuities or interest on funds—held for any band of Indians—shall be liable to be in any way made the subject of judicial process for any cause whatsoever."

The money referred to in these sections may be the property of bands in common or of individuals. That is open to argument, but in either case the objection is the same.

IS THEIR TRUSTEE.

The Superintendent General has, by a series of stages, come to be the custodian of, or trustee for, a large amount of Indian

money. In 1909, according to the reports, this money totalled $6,759,921.81. With this, sometimes with the consent of the owners, sometimes without; sometimes with the approval of the Governor in Council, and sometimes without; the Superintendent General can do pretty much as he likes. I am not now, however, discussing the limitations or absence of limitations to his control, so those may pass. My present object is to draw attention to two features of an objectionable Act.

If any wrong is done by the custodian or trustee of these moneys—in other words, by the Superintendent General—there is no recourse for those wronged. This Act of Parliament first sends those wronged to the Superintendent General—who may have committed the wrong,—to obtain his approval of any contract for advice or assistance to discover the wrong; and, second, destroys the jurisdiction of those courts of justice to which we all have a right to look for the redress of, any tort, wrong or damage done to us. In effect this Act says to the Indian,—if a wrong is done to you the man who did it is empowered to make it impossible for you to discover it, and if you do discover it, you shall have no means of insisting upon having it righted. *This is tyranny and subjection of a high type indeed.* If Superintendents General were infallible and impeccable it would be a blot on the statute book of any free country. But are they? What does Indian history show?

Diverted and Restored.

It shows that there have been several cases successfully made out by Indians against the Crown and that judgments have been obtained from the courts, which, being obeyed, righted the wrongs complained of. It shows that tens of thousands of dollars which had been diverted from the rightful owners have been recovered and restored under such judgments and that other wrongs have been righted by the courts. *Every year Parliament votes money to correct wronful diversions of Indian money by Superintendents General and their subordinates.* It is quite safe to say that hundreds of thousands of dollars will, sooner or later, have to be paid in restoration to the true owners of other Indian moneys that have been *and are now being* improperly diverted. At present Indian owners in most cases do not suspect such diversions, but their friends know of them positively from departmental publications, and dozens of bands whose moneys have been and are being improperly used will come to know how they have been wronged and then they will naturally seek restitution and compensation.

Was it Understood.

Are they then to be face to face with this legislation of 1910? That would indeed be an injustice bordering on iniquity. It is not to be believed that the House would have passed any such legislation had its effects been understood, or that the Hon. Mr. Oliver would have introduced it had he been frankly and properly in-

formed. It remains then to expunge it. It is due to our honour and right feeling that this be done at the earliest possible moment.

If it is not expunged it will appear that the forces of injustice (dubbing themselves with a philanthropical official name) have prevailed and succeeded in setting up a barricade to prevent the forces of justice approaching their stronghold. Then the question is bound to arise: Why have they done so? In such case it will not be unfair if suspicion takes root (as it will) that there must be very much to conceal when such a desperate measure is adopted as to obtain a statute which has the effect of stopping recourse to the ordinary means of inquiry and of destroying that protection which the jurisdiction of the courts of justice is intended to provide for every man in this country, whether his skin be white, red or any other color.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

EDITORIAL IN BOSTON EVENING TRANSCRIPT OF AUGUST 28th, 1910

Canada and her Indians

Some services are better performed by the Canadian Government than by our own, but care of the Indians is apparently not one of these. At least a responsible member of the Canadian bar, who has given years of study to the Indian question makes an elaborate criticism of the Dominion's policy, of which the following paragraphs may serve as a condensed statement of his position:

I have had occasion to trace up the dealings of the Government with the Indians, during a great many years. So long as the Crown felt its white subjects beyond the seas depended for comfort or security in its new settlements on the good will of the Indians they were acknowledged to possess the ordinary rights and privileges enjoyed in common by the white subjects of the king.

The Indians were acknowledged to possess the right to manage their own individual affairs, subject to the customs, however crude, which their own methods from time immemorial had proved most suitable to them. First of all, the policy of the Crown was one of conciliation. This led the Crown to enter into treaties with the aboriginal inhabitants. Their right to bargain with the Crown has always been recognized. In such case the courts have always followed the precedent set by the executive of the Government, and to the extent that the executive recognized the capacity of an aboriginal population, the courts assumed such population to possess such capacity. This is the rule both in England and the United States. As the country became settled, as the old hunting grounds of the Indian became occupied, and their former means of liveli-

hood were taken away, there ensued on the part of the Indian more and more dependence on the white man. The Government recognized that the Indians were a people requiring protective and special legislation. The earliest statutes were confined to the protecting of lands reserved for Indians, restraining the liquor traffic, etc. But the rights of the Indians remained in all their original force. The restraints were on the white men, the other subjects of the king, preventing them from practices which had grown to be a menace to the Indian population.

The change made in 1859 altered the possibility of imperial interference on behalf of the red man. I think it fair comment on this phase of the matter to point out that as long ago as 1832, in a report presented by a committee of the House of Commons, the danger to the Indian interests of having their affairs administered by a Colonial Legislature was pointed out. It has turned out as anticipated. A Government department has been formed to deal with Indian affairs. A bureaucracy of officials, whose interest it is to assume the whole management of Indian affairs, is constantly, by legislation promoted by themselves without consultation with the Indian but enacted by a party majority of the Government of the day elected by a suffrage in which the Indian has no part, drawing the reins of control tighter and tighter, assuming functions or duties which formerly the Indian exercised himself, till at the present time whatever the Indian may initiate, whatever he may undertake, there is not one single matter that is not dependent for its outcome on the whim of some official at Ottawa who probably has the most casual knowledge of the circumstances to be considered.

The policy of the Indian Department in Canada in dealing with Indian affairs since its creation has led to a constant series of encroachments on the natural rights of a man to manage his own affairs.

An Indian desires enfranchisement. The Indian Department rules that unless the applicant is a doctor, lawyer, clergyman or university graduate, or possesses land on a reserve, he cannot be enfranchised. This matter has again and again been drawn to the attention of the department, but no action has been taken to remedy the injustice. The department does not wish the Indian to become enfranchised.

An Indian claims to be entitled to share in the annuity of his tribe. The Superintendent General alone possesses power so to declare him, or may on occasion strike him off the roll. The Indian has no redress in the courts. The decision of the Superintendent General is subject only to an appeal to the policital council, of which he is a member. The importance of this need not be emphasized in view of the fact that if an Indian ceases to be an annuitant, through an adverse decision, he loses his share of the capital of the band, which is frequently worth thousands of dollars.

An Indian annuitant cannot with his annuity money purchase

anything that he can dispose of, or give title to, no matter how necessitous his circumstances may be, or how advantageous it might be for him to complete such arrangement as he might desire to enter upon. The Indian when he wishes to deal with the white man is found by the latter so involved in the technicalities, prohibitions and exemptions of the Indian Act and its multifarious amendments *that he is absolutely prevented from doing business or transacting even the most ordinary affairs that daily, as a matter of course, are the ordinary incidents of life in the experience of other citizens.*

A Chinaman, a Hindoo, the most ignorant or unsophisticated new settler can assume obligations, can procure credit, impossible for the red man, the original occupant of the country. The Proclamation of 1763 acknowledged his rights. It has remained for Canada alone, among the civilized people who have native races, to more and more encroach on such rights and, as I have said before, to deprive him of his primordial rights as a man.

Other countries and colonies furnish no such example. The policy of the United States Government is very different. In their dealings with the aboriginees, other colonies have set Canada a glorious example. Take New Zealand with its Maoris. We find a complete process of amalgamation. Several Maoris are members of the New Zealand Parliament, and are distinguished not only for their ability, but for their loyalty to the Crown. In Africa we find the native races have all the rights that other subjects of the Crown enjoy. We find the black man prominent not only in the political life of the different colonies of that continent, but filling important positions in the church, at the bar, in fact in all the different ranks of life which go to make up the various orders of municipal authorities or activities. From the Cape to Cairo, the "native" is treated, with few and insignificant exceptions, as an equal, in so far as his opportunities are concerned. *The Indian has no such opportunity here.*

Canada is the only exception in the respect that it has no representative of the aboriginal race in either Parliament or Legislature, and it is to be borne in mind that this is not because the Indian has not the right to become such representative, but simply because the effect of the Indian Act and its administration has been *to deprive the Indian of initiative, ambition, self-reliance and every other factor that goes to make a man and citizen, to drive him and his race into a corner and permanently accentuate the differences between two peoples.* In the United States we find the Indian prominent in all the walks of life. They are also represented in Congress, chosen by their fellow citizens for their merits alone. What I have asserted regarding Canada has not always been the case. Years and years ago, we had an Indian, Captain Brant, elected to the Legislature. True, he did not take his seat, but was disqualified for reasons altogether alien to the question of his race.

This was while Indian affairs were administered by the Imperial authorities.

I hardly like to impute motives, but occasionally the thought does strike me, that one of the principle objects of the Indian department is to perpetuate a system, which keeps the Indian still subject to it, magnifies the department, and instead of emancipating the Indian, and making him a real factor in the community, reduces him to a number in the annual count of increase or decrease in the Indian population, for practically this is the only way he does now count. The department seems to think it has done its duty when it can produce figures showing an increase in the Indian population. What it should be proud of would be to show that the Indian population has decreased by Indians becoming enfranchised, and that accordingly so many more people were added to the other citizens of Canada, free and clear.

Supposing we could clear off two thousand Indians in the next two years, and so on proportionally, give them the portion of capital money they are entitled to, convey to them their lands (with a limited non-alienation clause if you wish) would not the Indian, would not the community, be infinitely better off? The only community not better off, would, I fancy, be that assembled on Parliament Hill in Ottawa, known as the Indian Department. Its duties would become less and less, and eventually cease, till finally the last clerk of the department might say: "Let me depart in peace." Till a Superintendent General appears, however, who is prepared to control his officials and administer his department according to the true interests of the Indians, they will never receive the advantage of such a scheme.

There is a still more serious matter. The Indian Department seems to think an obligation entered into with a band is to be implemented as it (the department) pleases. I know of a case where the department in writing, pledged its "honour" some fourteen years ago, to do certain things without delay. The department has not yet fulfilled its promise. Furthermore, it has descended in cases I could quote to methods of chicanery and sharp practice in seeking to avoid its just obligations to its wards, that in private life would not be justified or excused by any person. I only mention this. I do not dwell on it. The proofs of this statement are easily accessible and I deplore as a Canadian these practices of officials administering a responsible department of Government, the executive of which should be one of the first to condemn and check the same.

I would have a commission appointed to consider the whole question and the matter of existing laws in other countries and their practice in dealing with their aboriginees, with a view to adapting our Indian laws to modern conditions and establishing an equality of circumstances between the Indian in this country and the native in other colonies or in the United States. I see no reason

why such should not be appointed, as well as a tariff commission. I would have the Superintendent General attend on the sessions of such commission. I would examine witnesses, not only the Indians themselves, but all parties qualified to offer evidence, including officials of the Indian Department. I would have the commission examine and report on the circumstances and the existing laws governing such affairs in other countries.

In the instructions to the commissioners, I would have it stated that one of the objects of their investigation would be to report on the possibility and best method of completely assimilating the Indian population at the earliest date with other citizens, having due regard to the interests of the Indian and his ability to care for such share of the tribal proporty as might be his due.

NOTE.—Though published here it is proper to say that the "responsible member of the Canadian bar" referred to above was not the author of the accompanying letters.

LETTER No. 3

September 9th, 1910

BAD LAWS AND SAD CONDITIONS

THE INDIAN CASE

A Remarkable Series of Charges Against Canada's Present Practice in Dealing With the Red Men

Editor Journal:—

From an "Interesting summary of the Indian question in Canada," by a prominent member of the Canadian bar, the following alleged facts are gleaned from amongst others.

1. The scope and basis of our Indian Act is wrong and injurious to the Indian.

It interferes with his enjoyment of natural and inherent rights.

2. Whilst the Crown sought Indian alliance for war purposes, it conceded every right enjoyed by other subjects and did much in addition to conciliate.

Since alliance for war has no longer been needed, Indian rights have been constantly restricted and encroached on and the attitude of conciliation has been replaced by either indifference or assumption of unwarranted or un-needed interference.

3. In negotiation for territory and possessions originally his, the Indian has always been treated as a free and independent man.

After such negotiations that treatment has been altered. He is no longer dealt with as being free and independent in the sense

that other citizens are and the values of annuities and things given to him under treaty have been impaired by legislation.

4. The right to govern himself and the governing capacity of his chiefs was formerly fully recognized.

Both right and capacity have been interfered with by ill-considered legislation not enacted to correct abuses but at the prompting of official theorists.

5. It has always been intended to remove all lines of demarcation between Indian and white.

Instead of being removed they have been broadened and deepened.

6. Royal Commissions have after careful enquiry agreed in indicating a true policy.

Our Indian management has proceeded in directions diametrically opposed to the policy so indicated.

7. Our Indian Affairs are dealt with exclusively by a bureaucacy of officials, whose interest it is to assume, and retain, complete control and who prompt all legislation to give them such control; the functions and duties the Indian once enjoyed have been transferred to officials.

The Indian has no voice whatever in such legislation, is often opposed to it and suffers from its deleterious effects.

8. There is hardly any matter that an Indian can undertake that is not dependent for its outcome on the whim of some official who probably has the most casual knowledge or no knowledge whatever of the circumstances to be considered.

This destroys forethought, freedom, initiative, responsibility and thrift.

9. The policy of the Indian Department has led to a constant series of encroachments upon the natural rights of a man to manage his own affairs.

The effects must be disastrous to the man.

10. The Indian may have the usufruct of land but he cannot lease the same or fully enjoy the fruits of his industry upon the land, or devise them or give them to his family or reduce the usufruct into possession without the consent of the Superintendent General, which means the dictum of a departmental clerk, dealing perfunctorily, signed by a Minister who personally knows nothing of the matter.

He therefore has no real property in the reserved land he occupies nor in his buildings, fences or other constructions placed upon it.

11. An Indian cannot become enfranchised unless he occupies land on a reserve, or is a doctor, lawyer, clergyman or university

graduate. If he occupies land on a reserve he has to pass through humiliating tests and a long probation.

What is most desired—early enfranchisement of the Indian—is impeded to such an extent that scarcely any have become enfranchised. Yet to enfranchise them is the prime object of maintaining the Indian service.

12. If an Indian claims to be entitled to share in the properties and annuities of his band, officials decide upon the claim and the decision is final.

He has no recourse to our open courts, as he once had. That has been taken away by law, though the properties and things claimed may be worth thousands of dollars.

13. An Indian annuitant cannot with his annuity money purchase anything that he can dispose of or give title to, no matter what his necessity or advantage.

He is so surrounded by the technicalities, prohibitions and exemptions of the Indian Act and its multifarious amendments that he is absolutely prevented from doing business or transacting the most ordinary affairs that daily, as a matter of course, are the incidents of the life of other people.

14. A Chinaman, a Hindoo, or the most ignorant or unsophisticated of new settlers can assume obligations or secure credit and may easily obtain the franchise.

The Indian can not.

15. Canada has encroached more and more upon Indian rights in a way that no other civilized people that had a native race to deal with has ever done.

The United States, New Zealand, Africa, India, etc., have all acted differently, with excellent results, that have not been attained in Canada and can never be attained without complete change of treatment.

16. The matter is not a party one. It is a system grown up and perpetuated and made more difficult to emerge from ever since the year 1859. Since then no attempt has been made to deal with Indian matters except in the most perfunctory way.

The Indian has had disabilities piled on him and liberties taken from him until now he is, as never before, in a condition of complete subjection and tutelage; unparalleled in any free country now or in the annals of history.

17. The result of the system is that the white man, as well as the Indian, has imperceptibly adopted the view that the Indian is a man with no rights whatever except such as he derives from the Indian Act.

A Canadian Attorney General pleaded that Indians had no right to sue.

18. The Government seems to think that an obligation entered into with an Indian may be implemented as it pleases.

In one case a Department pledged its "honour" fourteen years ago to do certain things without delay. Those things have not been done yet.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

EDITORIAL IN OTTAWA EVENING JOURNAL OF SEPTEMBER 9th, 1910

CANADIAN INDIANS

In another column some excerpts from a criticism of our Indian legislation and administration are published. The criticism, we understand, appeared in the Boston Evening Transcript of the 28th ulto. and was attributed to a Canadian barrister.

One of our own townsmen has recently commented on the same matters and if these gentlemen's statements are even partially correct—and they are so specific that one can hardly doubt that they are—earnest and thoughtful public consideration should be given to them. Men and women with correct perceptions of justice and public spirit will not permit wrongs to continue after attention has been drawn to them.

A peculiarly impressive statement is that Indians are deliberately prevented from becoming citizens. It is generally supposed that the tax-payers' annual Indian grants of a million dollars or more, are for the express purpose of making citizens out of our natives. In the face of such criticism as that in the "Transcript" it would be very interesting to know exactly how many of our Indians have attained complete citizenship each year since Confederation and how many are booked to become citizens during the year of grace 1911. Official reports contain no information whatever on this paramount subject and from the omission it may be fairly inferred that, as stated, the constant promotion of the official whilst the Indian remains constantly unpromoted to citizenship and its duties does not appear to the official mind as the very anomalous thing which it in fact is.

LETTER No. 4

September 10th, 1910

PROPERTY RIGHTS OF INDIANS

Editor Journal:

It is a singular fact that whilst we are annually spending large sums of money under the pretext of making our Indians a responsible, self-dependent people, and half of them, or more, have *in spite of adverse legislation* become just as well able to manage their individual business as other people do, the laws of Canada should deprive them of the right to do what they choose with nearly everything they acquire by their own personal industry.

Yet such is the outcome of Canadian legislation. Intended formerly to protect a semi-savage people against the rapacity of unprincipled persons, and perhaps in some remote parts still beneficial, *its operation upon those who have long since ceased to need any such protection is not only absurd but actually and actively vicious.* It prevents most of the Indians of Canada from enjoying those rights and the safeguards of those rights which every free man is entitled to enjoy in any free country.

Probably 95 per cent of the so-called property of 111,000 Canadian Indians is made up as follows:

1. Lands reserved for them collectively.

2. An individual right to use a portion of such lands.

3. Fruits of personal industry applied to such lands as for example, buildings, fences, wells, drains, plowing and other things done on the land which become attachments to it.

4. Implements, vehicles, animals ,or chattels and other effects kept upon their reserves.

5. Things wholly or in part purchased by their annuities.

6. Moneys administered for them by the Crown.

It is safe to say that this 95 per cent. of their so-called property is not property at all in the true sense of the word. It cannot be truly said that anything is really a man's property unless he can do what he pleases with it. He must be able to use it as he desires; subject it to any charges he likes; give it away as and how he wishes, and in view of death's approach, will it to whom he may wish to possess it after he has gone.

These things are just what the Indians of Canada, excepting a few enfranchised ones, and a few who may have belongings not upon their reserves, cannot do. Therefore they have no real rights of property. No Indian has an understood, defined interest in the land that his band owns, nor in that which he occupies. He has not property, subject to his disposal, even in the right to use the

land he occupies. Worse still, he has no real property in the buildings he erects, in the fences he constructs, in the wells he digs, in the drains he makes, in the garden he enriches, in anything he does to improve such land, nor in any chattels or things he possesses, if these happen to be on a reserve.

To understand this, we turn to Section 99 of the Indian Act, Revised Statutes of Canada, chapter 81, which is as follows:—"No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property unless he holds in his individual right real estate under a lease or in fee simple or personal property outside of the reserve."

This, ambiguous as it is, may be all very well as to taxation. We are not now discussing that matter. The point is that practically all so-called Indian property is exempted from taxation and therefore subject to the following conditions:

Section 102 of the Indian Act provides that "no person shall take any security or otherwise obtain any lien or charge, whether by mortgage, judgment or otherwise upon real or personal property of any Indian or non-treaty Indian 'not subject to taxation." So an Indian has no real ownership of his so-called *property,* for he cannot use it, for example, to obtain just and proper credit, and however intelligent and capable and however extensive and valuable his apparent possessions may be he is a marked man in his own community; marked as disabled by law. It is no answer to say let him become enfranchised. The law puts a score of stumbling blocks in the path which will be explained at another time.

Sections 31 and 32 out-Herod Section 102. Section 31 provides that the Superintendent General may decide all questions respecting the distribution amongst those entitled thereto of the property of a deceased Indian and he shall be the "sole and final judge" as to whom the persons so entitled are, while Section 32 declares that the Courts of Justice "with but not without the consent of the Superintendent General" may "grant probate of the wills of Indians and letters of administration of the estate and effects of intestate Indians."

This latter Section, therefore, limits the Indian's right to go to the courts. But it does much more. It puts an official above the courts. For it goes on to say that "no disposition shall, without the consent of the Superintendent General, be made of or any dealing had with regard to any right or interest in land in a reserve or any property for which, under the provisions of this part, an Indian is not liable to taxation."

As pointed out *that means 95 per cent. of the property of the Indians of Canada.*

So nearly all the so-called property which Indians may obtain by their industry and thrift, no matter what the Courts decree—if officials permit the Courts to decree at all—remains subject to be

disposed of, *not as the Indian wills, not as the Courts decree,* but as some official may choose to dispose of it. Around that official are absolutely no safeguards. He is responsible only to political control, and possibly far more concerned in pleasing his superiors than he is in just administration. By Act of Parliament he stands removed from liability for his actions from every safeguard which protects the rights of every other subject of the King.

In the United States the Courts are open to the subject, to Indians as to others. Here they are not open to Indian subjects.

There is very much more to be said upon this subject and it will be said. For the moment, however, this must suffice. The present question is are we, who know that the rights of property are denied by our laws to our Indian fellow subjects, to be silent about the denial. Is it not proper that any public spirit and sense of righteousness we have should make us insist that the natives of Canadian soil be put upon an equality with ourselves as every alien who comes to our shores is put?

Leaving all other matters aside, surely an Indian should be allowed to possess what he earns by the toil of his hands and the sweat of his brow. At present he certainly does not possess it in any real sense. His aspirations must necessarily be paralyzed under such conditions as the aspirations of all slaves have been paralyzed. Indeed, if he fully understood his wretched position he would be in revolt against it, and the only reason for not being in revolt would be that all aspirations were already dead within him.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 5

September 17th, 1910

INDIANS AND CITIZENSHIP

Conditions Which Render it Practically Impossible for a Canadian Indian to Enfranchise Himself.

Editor Journal:

It is not easy to believe that to-day any slavery is to be found in Canada. Yet it is true that we have in our midst a race of men who are denied the blessings of freedom.

It is also true that, at the public expense, a class of men of a different race is maintained to exercise such offices as must *infallibly keep the first from becoming free men and* STEADILY UNFIT THEM FOR FREEDOM.

I use the words "denied the blessings of freedom" quite advisedly. By them I mean that we deny to men, by our laws and

administration, such rights of citizenship as the negro was denied in the South, and to secure which for him the North drew the sword upon the South and plunged a nation that dared to stand for sound principles into the American Civil War. The men we deny freedom to are the Canadian Indians, and they number, according to reports, 111,000 souls.

I have said a little upon this subject already. Much more remains, but in this letter it will only be possible to deal with a little more of the subject. This may be done by pointing out what an Indian of to-day must do to become a free man. We can except the very small number of Indians who by becoming university graduates or members of learned or religious professions may also become free, if they elect to do so, and confine ourselves to the consideration of the case of the ordinary Indian who desires to enjoy that state of full and free citizenship to which every man is naturally entitled.

An Illustration.

Let us take, then, such a case; that of an Indian, let us say, who belongs to a band of three hundred which has a reserve of three thousand acres. Let us suppose him to have a wife and two children, to be successfully farming a hundred and fifty acres of land, to have substantial property (so called), to be possessed of savings and in the enjoyment of the respect, alike, of his fellow Indians, and his Canadian neighbors. There are thousands that this description fits.

What must such an Indian do to become a free man; to become *enfranchised* (the very word smells of slavery) under our laws?

1. He must be of age.

2. He must make an application for his freedom.

3. He must get a priest, minister, stipendiary magistrate or two justices of the peace to make oath that he has for at least five years been of good moral character, temperate in his habits and that he is of sufficient intelligence to hold land in fee simple and "otherwise to exercise all the rights and priviliges of an enfranchised person."

4. He must get a Government agent to submit that oath to a council of his band declaring to such council that during thirty days affidavits will be received from band members containing reasons "of a personal character" why the applicant should not be enfranchised.

5. He must see that,—the thirty days having expired,—the accumulated evidence is sent to the Indian Department with an affidavit of the agent embodying that official's views for or against the granting of enfranchisement and freedom to the applicant.

The matter is then in the hands of the Superintendent Gen-

eral of Indian Affairs, who, of course, knows no more about it or the applicant than the evidence may disclose.

It is not necessary here, to characterize such evidence. It may be all taken *ex parte* of the man who is seeking his freedom. It is perfectly obvious, too, that the people giving it may be interested, or not interested, and may hold entirely different views in respect to fitness to be free, and that perhaps not two, of scores of Indian agents or of hundreds of priests, ministers, magistrates or justices, have the same standard of fitness for enfranchisement. It is equally obvious that it must be of a most unpleasant thing for any man who respects himself to be posted for thirty days whilst any persons or enemies who are opposed to his obtaining his freedom stand invited to attack his personal character in order to prevent him from being released from slavery.

Must Sacrifice Much.

Passing then to what happens next, it is found that the Superintendent General, if he so pleases, may grant the Indian a location ticket for the land "occupied by him as a probationary Indian or for such proportion thereof as to the Superintendent General appears fair and proper," and that "in allotting land to probationary Indians the quantity to be allotted to the head of a family shall be in proportion to the number of such family compared with the total quantity of land in the reserve and the whole number of the band."

It has been premised that the applicant in the case we are considering is a member of a band of 300, with a reserve of 3,000 acres, that he has a family of four, and is occupying and using 150 acres. Applying the law he is to be allotted 4-300ths of 3,000 acres, that is 40 acres, and he stands to lose just 110 acres of his homestead—as a price to be paid for freedom.

No comfort is to be found in the power given to the Superintendent General to do what is "fair" and "proper." That official is after all, only a trustee, not an autocrat. It can never be fair and proper for a trustee to take land held in trust for one beneficiary and give it to another. Besides, what would the effect of that be? Since it is essential by law, that every Indian who wishes to become free shall have land—the whole scheme of freedom turning upon the having of land as on a pivot—if A, B and C get too much land, there will sooner or later be none for X, Y and Z, and they will stand face to face with the fact that they have not that which is essential to securing their freedom, and consequently have no possible chance of ever becoming free.

Lots More Trouble.

Let it be assumed, however, that in pursuit of freedom an applicant resolves to take 40 acres of land in the place of the 150

acres he occupies. Does he, after this sacrifice, become free? Not at all. He becomes a "probationer" for three years, *or for any longer period that the Superintendent General deems necessary,* and if his conduct is not satisfactory (the law does not say to whom or in what respects), he remains in bondage. He has, at the expiration of the three years of probation been on trial for *eight years*—longer than Jacob served for Rachael—but here he is confronted by another obstacle.

However, if his conduct is satisfactory (the law does not say to whom or in what respect), he at last gets a patent for 40 acres of land, and—at last—freedom, fettered to a stake, for he may not "sell, lease, or otherwise alienate" his main possession, his land, without the sanction of the Governor in Council. This, of course, means the sanction of the Superintendent General, once more.

Appalling Injustice.

The Negroes of the South were less fit for freedom than our Indian fellow subjects. In the hearts of the latter lies love of independence. Freedom is natural to them, as natural as breathing the fresh, pure air of the woods in which God placed them. They have proved through centuries, long before they ever saw a white man and since, their collective fitness to exercise governing power, and have proved themselves collectively and as individuals excellent and useful members of our society.

Yet the Indians are denied that freedom which was given to all negroes by the stroke of a pen.

Immigrants from foreign shores have lately objected to being obliged to have a small sum of cash in pocket before they could become Canadian citizens. The objection quickly prevailed. Public opinion was with the immigrant.

Yet here we have, in violation of all decency and all common sense, Indians who have proved themselves to be self-respecting and respected men, law abiding, loyal, land and property owners (in name at least), excellent members of our society, denied the great blessing of freedom which everyone else in this country dearly cherishes and is perfectly secure in.

Truly it seems as though a recent writer was correct in saying that it is not desired to grant freedom to the natives of Canada's soil. Truly, too, it is time for public opinion to assert itself against a pernicious system, and insist that our civilized Indians be made free.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

EDITORIAL IN OTTAWA EVENING JOURNAL OF SEPTEMBER 17th, 1910

AS TO THE INDIAN?

Letters which have been appearing in The Journal on the subject of the Canadian Indians from R. V. Sinclair, a barrister of standing and responsibility, make statements regarding the status of our Indian population which must be discomforting to humane Canadians. The majority of us have been imagining that Canada's treatment of the Indians has been and is, both sensible and kindly on the whole. Mr. Sinclair's statements must shake that opinion. They seem to us to deserve the consideration of the Government.

The letter which is published to-day in adjoining columns, is specific and clear-cut in its arraignment of conditions which beyond all question render it practically almost impossible for a Canadian Indian to become a Canadian voter. For, no matter how intelligent he may be, or how educated, he must risk such sacrifice of property and pass through such a troublesome probation of qualification, that the most ambitious and persistent Indian is likely to give up the attempt as being too troublesome an ordeal.

Now The Journal knows little more about the Indian question than it has learned from Mr. Sinclair's letters. And, as there are always two sides to a story, it may be that much of what he has said in previous communications can be offset by explanations showing that the Indians can not be satisfactorily dealt with in other ways. But in regard to the franchise, neither The Journal nor anybody else with common sense, and an ordinary knowledge of our political conditions, need hesitate one moment to decide that any policy which makes unduly difficult the attainment of the franhcise to people in this country is a rotten policy; and that any conditions which support such a policy are rotten conditions. Mr. Sinclair's letter to-day shows that such a policy and such conditions prevail in the case of the Canadian Indian. There should be a change. This is the key of this problem, and of every problem of the kind. Give men votes and the men will speedily remedy their own troubles. Men in this country who have no votes have no political friends; and political justice will not be got except by the aid of political friends. Let us give the Indians a fair chance to enlist friends of that kind. Justice will follow if justice is needed.

LETTER No. 6

September 26th, 1910

THE INDIAN CASE

Editor Journal:—

It is inevitable that the case of the Indians must be taken up by some administration, as it should have been before now. But it is to be very carefully remembered that it is absolutely non-political in the narrow sense. If politicians weave fancies for censure or advantage out of it there will be at once introduced into it those very elements which the Indian and his friends most want to keep out.

It may be, and probably is, true that, in a broad sense, it is a political question. It is not, however, a party question. Here the marked line lies. In ordinary thought we confuse the two ideas and forget that party action and affiliations are only the mechanism of true national policies.

It would be wholly unfair to charge any particular administration with those things which we condemn. It would not, though, be unfair, if those things are fully, frankly and publicly stated to any administration, to charge carelessness and responsibility did it fail to apply the very obvious and readily available remedies. So while we are quite willing to say that all parties alike have contributed to the existing state of things we do state most emphatically that the party in power after those things become known—as we have tried to and intend to make them known—no matter what its political color, will be responsible if it allows them to continue.

It is sometimes difficult to distinguish between the idea of enfranchising people and that of making voters of them. The first idea includes the latter, it is true, but it means much more. It means allowing the ordinary liberties, duties and obligations of citizenship to fall upon them, one only of which liberties is the right to exercise the electoral franchise. But there are many others and the whole constitute those liberties which all free men enjoy.

It is therefore thought, in agreement with a recent writer, that the proper course to be pursued is to appoint a Crown Commission to take evidence in and form a judgment upon the case of the Indian, as that case stands to-day. At first the facts should be considered from the academic or philosophic side. That having been thoroughly done and an all-embracing report made, it will then be time enough to place the well considered conclusions of thoughtful men in the political pot in which sooner or later they must of necessity be tried out.

In the meantime it is desired in the Indians' interest to state as clearly as it can be stated that the present series of letters are not intended to be political in their character or condemnatory of

the present or any particular preceding administration in the sense of being designed to create political capital out of the criticisms which they contain of a system of administration which has imperceptibly grown up since the charge of Indian affairs passed from Imperial control.

To make these letters or the subjects with which they deal the basis of a party question or to centre attention exclusively on the exercise of the franchise by the Indian, which is a small matter except as a means of getting for him the rights and obligations of citizenship which every free man is entitled to, would be to lose sight altogether of the objects sought.

Having now made it manifest that in my opinion neither party nor politics are involved my hope is that the present administration may see that thought is necessary to relieve the country of that burdensome charge which lies against it; that it may be understood that the charge is not against the present administration, though the duty of doing something belongs to it, and that true reform, which is necessary to eliminate from our midst that slavery which I have described, may be provided.

At another time I will continue the discussion of other questions of importance to our Indians, the true solution of which is necessary for the preservation of our honour and integrity.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 7.

October 5th, 1910

FUNDS OF OUR INDIAN WARDS

Is the Money Managed With Honesty to Them?

Curious State of Things Set Forth by Mr. Sinclair

Difficulty of Obtaining Information at the Department

Editor Journal:—

Having recently asked the Indian Department for a statement of the number of Indians converted into free men since Confederation, I was informed by letter "that it is not usual for the Department to give information of such a kind outside of what is published in our Annual Report, except by an order of the House of Commons."

An examination of the Annual Report did not disclose the information required, but did bring to my attention some curious facts relating to the administration of certain Indian funds.

The report referred to is that part of the Auditor General's report for the year 1908-9, containing the accounts of the Indian

Department. It appears from this report that during the year considerable sums of Indian money were taken to be applied to management of Indian Lands. See report as follows:

(Page I, 118) From St. Peter's Band	$2,078 35
(Page I, 119) From Rosseau River Band ..	496 66
(Page I, 122) From Pasquah's Band)	2,089 57
(Page I, 127) From Enoch's Band	483 28
(Page I, 131) From Alexander's Band	571 34
(Page I, 132) From Cote's Band	1,777 89
(Page I, 132) From Assinaboine Band	556 29
(Page I, 134) From Stony Indian Band (Morley)	1,000 00
(Page I, 137) From Cowesses' Band	1,983 60
Total	$11,035 98

Each of the above accounts shows that the sums referred to are carried to the credit of Management Fund, which seems to be account "75 Indian Land Management Fund." (Part I, p. 154.)

This account discloses the astonishing fact that three of the bands referred to had about $697.34 of this $11,035.98 expended for them and that nothing was spent for the remaining bands; the balance was, so far as they were concerned, dissipated. *In the result these Indians were out of pocket about $10,338.64.* The report does not reveal what became of this sum; that it was expended is, however, clear.

It is manifest that the above sums belonged wholly and indisputably to the bands from which they were taken. They were taken by the trustee to be expended for the wards who contributed them. Not a penny could properly be expended otherwise than for the purpose of the band to which it belonged, and possibly could only be devoted to certain limited and defined purposes even for that band.

I have not the terms of the trust before me, but it must be true that a trustee can never take the money of one beneficiary and at his own will and discretion, give it to, or expend it for, the benefit of a stranger to the trust. Even the Crown as a trustee cannot legally do that. *Yet this is what has been done and is being done every day.*

It is quite safe to say that such exactions and diversions as these accounts show and such loose expenditures as they betray would not be tolerated or accepted by any of our courts.

Trust accounts must show that trust moneys have been strictly applied for the purposes of the trust and for no other purposes whatever. One, not unnaturally, wonders whether it is because Indian moneys are treated in this way that officials procure legislation taking from the Indian the right to resort to the Court for redress, and making the official the "sole and final judge."

In view of the terms of the letter quoted at the opening of this article I have not sought any official explanation of the accounts.

There is something very disingenuous in taking the money of A. B. C. and spending it on X. Y. Z., and it is a most dishonest proceeding, by force of law, to put their money into hands that will dissipate it in ways, and for things in which A. B. and C. have no concern, and as to which they can ascertain nothing from the trustees' account.

The evil has evidently arisen from consigning Indians' interests to the charge of officials who shelter themselves behind legislation which they have procured for the express purpose of preventing investigation.

If we are to be honest trustees for a people whose affairs we have without their consent taken into our hands, we are bound to see that every dollar of theirs is not only honestly dealt with, but is openly and efficiently accounted for, and that the right to demand and obtain a full and proper accounting is no longer denied by legislation.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 8.

October 12th, 1910

THE TRUE STATUS OF OUR INDIANS

Aim Should be to Make Them Competent Citizens

They are Neither Poetic nor Ignorant and Helpless

Mr. Sinclair Criticizes Some Misimpressions

Editor Journal:

In view of what has been written by me respecting our Canadian Indians and their affairs, I wish to make perfectly plain what manner of man the Canadian Indian is. Many say to me: "Are not these Indians a wild, savage people, unfitted for civilization, and for your interest in them?" Even your paper, one of the best of Canadian journals, has confessed to little knowledge of them.

To make sure of my conclusions and of my grounds for them I have gone beyond writers and reports and have sought information at first hand.

It may be concluded safely that the poetic or picture Indian, the man of Nature equipped with the finest ideas of our own later culture, has never existed. Hiawatha, with the beautiful mind given

him by Longfellow, does not live, in fact. Railway companies, for profit, officials for effect, and civilized Indians, who wish to take for their ancestors attributed reputation, have tried to keep such a picture before the public. It never was a true one.

In Canada there are no savage Indians. Cheap fiction has inspired popular notions; emigrants in ignorance may fear scalping knives, war whoops and tomahawks, but the notions are false and the other things altogether unknown.

Our Acts of Parliament agglomerated out of what may possibly have been past necessities, our administration, our denials of rights of property, of resort to the courts, of citizenship and of the franchise, seem to rest upon these two special and particular mistakes and to have resulted from regarding the Indian as either a very poetic or a very unpoetic savage.

The Real Indian.

What are the facts as revealed by the blue books of the Government? These make it perfectly plain that the Indian is a large landholder, who has therefore a landholder's interest in peace, good order and good government; that he is a landlord renting lands to white men; that he is an employer of white labor; an agriculturist on a large scale; a wage earner; an occupied man; and one whose average income made by toil in civilized pursuits is considerably larger than that of thousands of white citizens who are voters and enjoy every civil liberty and responsibility.

What are the unrevealed facts? The opinion of one competent to speak was given to me in few words. He said that, excepting a few in the backwoods who live by hunting, Indians are just the same as other Canadians. Those in the woods are mostly Christians and law-abiding citizens. Most are kindly people actuated by gentle feelings. Enquiry reveals too, what official reports do not, that a very large proportion of our Indians do not live upon reserves at all, or, if they suit their convenience by doing so, do not make their living upon them. They are in daily competition with white men and subsist by successful competition. They are in our professions, our trades, and our own occupations, and numbers reside in our communities. From my information it seems safe to say that fifty per cent. of the Indians, all of whom are subjected to pernicious control and legislation, and who are denied the rights of citizenship and the vote, are in every other respect quite indistinguishable from our own people bar, perhaps, a slight difference in complexion.

Better Understanding Needed.

It is high time that this should be understood. It is due to you, who have so kindly afforded valuable space in the interest of fair play and to the end of expunging a national disgrace, that a clear exposition should be made through your columns. So before proceeding, as with your kind permission, I propose to do in your

paper, with a further discussion of that system which you have so well defined as "rotten," it is desired to brush away once for all that equally "rotten" conception of what the Indians are.

Poets, romance writers, tourists who engage unoccupied Indian as paddlers, and a few ignorant people have spread false notions. The small number of people who go to official reports for information certainly cannot get much from them, and most people have neither time nor occasion to think of Indians at all. Once their position is understood as it should be understood, no doubt our Canadian love of fair play will see that they receive it.

That Financial System.

Here just a word as to my last letter in your issue of the 4th inst. It is not to be for a moment understood that $11,000 and upwards was the whole amount taken from Individual Indian Bands in 1908-9, improperly diverted and not plainly accounted for. I gave only a few instances out of many. The amount is a mere matter of accounting. It was my part to deal with principles, but *en passant* it may be said that it is quite apparent that as trustees we have improperly used hundreds of thousands of dollars, made up annually out of all sorts of sums from ten cents to tens of thousands of dollars. The mismanagement, to call by the mildest term what may yet come to be designated malversation by a statutory trustee, will have to be paid for some day in the near future when the owners of the money establish their right to it, if it has not been used in their true interest. Such is the relation and responsibility of guardian and ward, particularly when the State is a self-appointed guardian.

I shall be pleased to receive correspondence on any of the subjects now under view. Appreciative letters from Indians and others containing thoughts and information new to me have been received and are most illuminating.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 9.

October 20th, 1910

OFFICIAL NONSENSE

THE CASE OF OUR INDIANS

Is it our Canadian Policy to Keep Them Babies?

Comment on the View of the Indian Department

Thirty-nine Indians Enfranchised Since Confederation

"It was naver the policy nor the end and aim of the endeavor to transform the Indian into a whiteman."

Editor Journal:

The foregoing words, which appear to be the official reply to my letters, are taken from page 273 of the Indian Department's blue book for 1910, which the Superintendent General submitted to His Excellency the Governor General. The statement is unmistakable and unqualified. It is a frank admission of the charge in the Boston Evening Transcript that officials do not wish the Indians to become citizens. It leaves nothing to be proved against the officials, but it gives rise to the necessity that they should explain what they mean.

There is no doubt whatever that the intention of the public has always been exactly the reverse of that intention or lack of intention which is thus officially declared.

The intention is and has always properly been, to transform the Indian into a white man at the earliest moment possible. There is no mistake about that. It is the only sensible course and it is the course that we pay an Indian Department to follow. The very worst charge that can be made against that department is that it has not succeeded in the work that it is and has been paid to do. Since Confederation I am now officially informed only thirty-nine Indians have been enfranchised. Think of it, *thirty-nine in forty-three years, less than one a year,* and now in apparent reply to criticism comes an unblushing denial of the policy, end, aim and endeavor of the public.

The reports of Royal Commissioners, official reports, debates, and legislation all make perfectly clear what the public wish is, and has always been, whilst, endorsed by the Superintendent General, this denial comes from the man who should be carrying out the public wish, because he is charged with the education of Indian children.

Very fortunately for himself, the Indian has more intelligence than the official. He, at least, has arrived successfully at becoming a

white man, and in tens of thousands of cases has done so in all ways excepting those in which the law unfortunately prevents him. What probability there is of the law being changed by the officials who have to be depended upon for change, unless we have some new departure, can be imagined when those officials are not transforming one Indian a year into a citizen, and now fatuously proclaim that "it was never the policy" to do so.

It is clearly high time that public spirit and a sense of fair play should enter into Indian matters. What the United States public has done under the presidency of the Honorable Mr. Choate must be done here. This last declaration of officialdom makes that quite clear. The blessings of being a white man are not longer to be denied to those Indians, who by their own efforts have become well fitted to enjoy such blessings in spite of the determent of officials, who are paid to make white men out of them and now proclaim that they do not even know what they are being paid to do.

In 1882, in response to an invitation issued by the late Honorable John Welsh, "to take into consideration the best method of producing such public feeling and congressional action as shall secure to our Indian population civil rights and general education . . . . and in time bring about the complete civilization of the Indians and their admission to citizenship," about thirty public spirited gentlemen met in Philadelphia and organized The Indian Rights Association, to carry out the objects mentioned in the invitation.

During its 28 years' of existence this association has been instrumental in procuring the passage by Congress of many acts beneficial to the Indian, and has been successful in getting various abuses remedied. It has also in that time procured the enfranchisement of over 100,000 Indians.

There is great need for such an association here, and steps are being taken for its formation. Applications for membership will shortly be received.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

LETTER No. 10.

November 1st, 1910

EMASCULATION

INDIANS ARE KEPT TO HEEL

Tied Down by Bureaucratic Regulations

Officials Made Arbitrary Judges of Morality

Anomalies of Penalties Indians may Suffer

Editor Journal:

In a recent letter I endeavoured to make it clear that most of our so-called Indians are much the same as the rest of us. As amongst us so amongst them are, naturally, many gradations of intelligence, thought and feeling, but taking them in a broad way, they rank and range well with their fellow citizens who follow the same pursuits on the same levels of life.

Testimony as to this truth is found in reports of Crown Commissioners, in official documents, in the statements of men who know them intimately, and in the official reports of the Government.

Such being the case, one wonders why these fellow subjects of ours need a Superintendent General, with some seventy or eighty special legal functions to govern them; why they cannot themselves assume these functions; or themselves select someone to exercise them; or why the various Provincial or Municipal functionaries who attend to the affairs of their white neighbors, cannot also attend to those of the Indians in the same way and at the same time.

The answer seems to be that this peculiar functionary is necessitated by peculiar laws. Indeed some of our Indian laws are more than peculiar, they are monstrous and if they are to remain law it is well to keep them out of the light which shines where justice is administered.

Tying the Indian Down.

To justify such a strong statement as this I will give some of the grounds for it. It is Canadian law that if an Indian chooses to live in a foreign country, for five years continuously,—a thing that any subject of any free state may do at will,—and does not happen to have official consent to do so, he is deprived of his annuity or interest money and his share of his band's money and his share of his band's land. As the interest share may be $20.00 or $30 00 per year for himself, and the like amount for each member of his

family for life; as the separate bands own such sums as $345,000, $140,000, $264,000, $111,000, $873,000, $145,000, $669,000, etc., totalling over $5,000,000; as an individual's share of his band's money may be $7,000 or $8,000, and an individual's share of his band's land be worth a very pretty penny indeed, it will be seen what it costs an Indian to live abroad, without consent. It is not even in any one's discretion to impose the penalty. The Damoclean sword suspended by the thread of law falls automatically when five years have passed.

Why an Indian should not live abroad as well as any of the rest of us, at his own will and pleasure, no one seems to know. He cannot do so, though, without official consent, and the extent of the punishment, if he does, is almost as monstrous as the deprivation of liberty.

"Satisfactory Conduct."

In writing lately of enfranchisement (Letter No. 5), a brief reference was made to "Satisfactory Conduct" to be judged by officials, and to the fact that what is "satisfactory conduct" is not defined. Special conduct is prescribed for Indians in other matters than enfranchisement and it is carried into matters that affect property.

Morality.

Morality (what sort of morality is not stated), is apparently far more essential for the Indians than it is for us, and especially is more essential to an Indian woman than it is to her white sister. For if a husband die intestate and the widow is not a woman of "good moral character" she loses her interest in his estate. As to what moral character is the official is made "sole and final judge", as he so often is in Indian legislation.

If an Indian man deserts his family or so conducts himself as to justify his wife or family in separating from him, or is separated from them by imprisonment, what happens? He is mulcted in the way just described for committing the very heinous offence of *living abroad.*

Anomaly of Penalty.

All these offences would seem to be of equal degree since the penalty is always loss of all share in band moneys and properties. The anomaly is that the penalties vary according to the assets of the band to which the individual chances to belong. In one case such assets may amount to a few dollars, in another case to tens of thousands.

A woman is just as badly off and subject to the same remarkable range in the amount of penalty if she deserts her husband or family and lives immorally with another man.

Our statutes may be searched in vain for any similar injustices. White men would not tolerate them for a moment.

It may be all very well to punish in either case. That is not the point. The point is that there should be a prescribed legal

punishment commensurate with the offence and not a wholesale taking of property which in one case may be inadequate for punishment and in another absurd in its enormity. And it should in no instance be left to official discretion to do as it may please, no doubt at one moment one thing, and at another moment something completely different.

These are only a couple of instances of peculiar laws that seem to be the reason for the existence of a singularly multi-sided functionary—the Superintendent General. The remedy has been suggested; to appoint a competent commission to go into the whole matter and straighten it out. In official hands and under legislation promoted by officials it is at present in a very sad mess indeed.

R. V. SINCLAIR.

Carleton Chambers, Ottawa.

CONCLUSION.

Since the above letters were written the author finds that under pretence of it being for the good of Indians, Parliament has been led to appropriate money annually for the purpose of making it easier to get Indian lands from them. The case of St. Peter's Reserve in Manitoba has become notorious. There, it has been said, the permanent head of the Indian Department used as an argument to induce the Indians to surrender their lands and homes that he had with him $5,000.00 to give them if they would surrender, but which, if they would not surrender, he would take back with him.

Also, since 1910 there has been legislation to make it possible to take Indian Reserves from their owners if they happened to be, or come to be, within ten miles from a town.

It is not to be supposed that these letters exhaust the subject. But it is not desired to exhaust the reader and they contain enough, it is hoped, to excite humane and fair-minded people to go further and examine the subject entirely, or to insist upon it being examined in a full and impartial manner.

R. V. SINCLAIR.

Carleton Chambers, Ottawa, Ont.

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